



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Garrison
Serial No.: 10/743,615
For: RENEWABLE TEXTURED COSMETIC COMPOSITION
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Examiner: G.C. Yu
Art Unit: 1617
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Customer No.: 27,623

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FIRST DECLARATION UNDER 37 C.F.R. 1.132

I, Mark S. Garrison, declare the following:

THAT I prepared a cosmetic composition in accordance with the present invention. I tested the composition to see if the surface appearance was renewed after being disturbed.

THAT a composition of the following formula was prepared according to the following:

Ingredient	Pounds
Phase A	
Demineralized water	40.41
Glycerin	6.00
Tetrasodium EDTA	0.10
Butylene Glycol	1.00
Sodium methyl Cocoyl Taurate 30%	8.00
Phase B	
Glycol Distearate	2.00
Myristic Acid	16.00

Behenic Acid	5.00
Palmitic Acid	4.00
Stearic Acid	2.80
Lauric Acid	1.80
Part C	
Potassium Hydroxide 45%	10.50
Part D	
Perfume	1.50
Part E	
Paraben/Phenoxyethanol Blend	0.50
Part F	
Methoxynonafluorobutane (CF-61 from 3M Corp.)	0.39
Total	100

- 1) adding Phase A ingredients in a Pressindustria/Eppenbach , heating to 79-82° C, and mixing at medium blade speed for 35 minutes until uniform;
- 2) adding Part C ingredient into the Phase A mixture in the Pressindustria/Eppenbach and mixing for 10 minutes until uniform while maintaining the temperature between 79-82° C;
- 3) adding Phase B ingredients in a side kettle, heating to 79-82° C, and mixing at medium blade speed for 70 minutes until uniform;
- 4) transferring the Phase B mixture into the Phase A/Part C mixture in the Pressindustria mill and jogging the mill 3-5 times for five-second durations while mixing for 65 minutes until uniform;
- 5) continuing to mix for 60-75 minutes while maintaining a temperature of 79-82° C;
- 6) cooling the batch to 50° C while mixing at slow blade speed for 35 minutes;
- 7) adding the Part D ingredient into the A/B/C mixture in the Pressindustria/Eppenbach while mixing at slow blade speed and

- continuing to mix at slow blade speed for 10 minutes until uniform;
- 8) adding the Part E ingredient into the A/B/C/D mixture in the Pressindustria/Eppenbach while mixing at slow blade speed and continuing to mix at slow blade speed for 15 minutes until uniform;
 - 9) adding the Part F ingredient into the A/B/C/D/E mixture in the Pressindustria/Eppenbach. Half the part F ingredient was first added, and the mill jogged for 2 five second intervals, while mixing at slow blade speed for 15 minutes until uniform;
 - 10) cooling the A/B/C/D/E/F mixture to 29-32° C with blade mixing in the Pressindustria/Eppenbach at slow blade speed;
 - 11) adding the remaining part F ingredient, jogging the mill for 2-5 second intervals, and slow blade mixing for an additional 15 minutes; and
 - 12) transferring the A/B/C/D/E/F mixture to suitable storage containers and/or jars.

THAT the A/B/C/D/E/F mixture took the form of an oil-in-water (O/W) emulsion as determined by stable pH measurement of 9.1 and appeared off-white in color under visual examination. The A/B/C/D/E/F mixture exhibited a viscosity of 975,000 centipoise as measured by a Brookfield RVT viscometer using TF, 4 RPM for 1 minute.

THAT a cream composition was formed by admixing 97 grams of the A/B/C/D/E/F mixture with an additional foaming agent in the form of 3 grams of methoxynonafluorobutane (CF-61[®] by 3M Corp.) in a beaker at room temperature with propeller mixing for 2 minutes.

THAT the cream composition was then transferred to a jar. A lid was screwed on to the open mouth of the jar such that the jar was

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hermetically sealed. Upon opening of the lid, the cream composition exhibited a substantially planar, textured surface towards the open mouth of the jar (Figure 1 in Attachment). Then, the lid was removed and the surface of the cream composition disturbed with a finger such that it became distorted (indented) relative to its original appearance (Figure 2). The lid was then screwed back on the jar such that the jar was again hermetically sealed. Forty-five (45) minutes later, the lid was removed and the appearance of the surface of the cream composition was again visually examined. The surface of the cream composition had renewed itself such that it returned to a substantially planar, textured appearance (Figure 3) substantially similar to its appearance prior to being disturbed. The cream composition also returned to its original height within the jar prior to being disturbed.

THAT I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Mark J. Ganss
name

4/24/07
date